

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

THE UNITED STATES OF AMERICA,

Plaintiff/Counter Defendant,

vs.

GENERAL DYNAMICS CORPORATION,
and DOW CHEMICAL COMPANY,

Defendants/Counter Claimants.

8:23CV416

THIRD AMENDED CASE
PROGRESSION ORDER

This matter is before the Court on The Dow Chemical Company's Unopposed Emergency Motion to Extend Case Deadlines ([Filing No. 349](#)). After review of the motion the Court finds good cause to grant the requested extensions.

IT IS ORDERED that The Dow Chemical Company's Unopposed Emergency Motion to Extend Case Deadlines ([Filing No. 349](#)) is granted, and the second amended case progression order is amended as follows:

1) Experts:

- a. The deadlines for identifying expert witnesses and completing expert disclosures for all experts expected to testify at trial, both retained experts, [Fed. R. Civ. P. 26\(a\)\(2\)\(B\)](#), and non-retained experts, [Fed. R. Civ. P. 26\(a\)\(2\)\(C\)](#), are extended as follows:

Rebuttal:	July 25, 2025
Sur-rebuttal:	September 5, 2025

- b. The expert deposition deadline, including but not limited to depositions for oral testimony only under Rule 45, is extended to **October 17, 2025**.
 - c. The deadline for filing motions to exclude testimony on *Daubert* and related grounds is extended to **November 13, 2025**.
- 2) The trial and pretrial conference will not be set at this time. A planning conference to discuss case progression, dispositive motions, the parties' interest in settlement, and the trial and pretrial conference settings remains scheduled with Magistrate Judge Michael D. Nelson on **September 24, 2025**, at **10:00 AM** by telephone. Counsel shall use the conference instructions at [Filing No. 203](#) to participate in the call.
- 3) The deadline for filing motions to dismiss and motions for summary judgment is extended to **December 5, 2025**.

- 4) The parties shall comply with all other stipulations and agreements recited in their Rule 26(f) planning report that are not inconsistent with this order.
- 5) All requests for changes of deadlines or settings established herein shall be directed to the undersigned magistrate judge. Such requests will not be considered absent a showing of due diligence in the timely progression of this case and the recent development of circumstances, unanticipated prior to the filing of the motion, which require that additional time be allowed.

Dated this 10th day of July, 2025.

BY THE COURT:

s/Michael D. Nelson
United States Magistrate Judge